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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,359	06/07/2001	Luigi Pace	CM2381	9161

27752 7590 04/02/2004

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EXAMINER

EINSMANN, MARGARET V

ART UNIT PAPER NUMBER

1751

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/876,359

Applicant(s)

PACE ET AL.

Examiner

Margaret Einsmann

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of the priority document, application EP 00870134.4 which was submitted 11/28/2003.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/18/2004 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Where is the basis in the specification for the addition to claims 1 and 13, "wherein the liquid of such a solid/liquid combination comprises water and at least one additional ingredient that contributes to heat

generation?" Additionally, if water reacts with the second component to generate heat, why is the additional unnamed component necessary? How does one tell if the additional ingredient contributes to heat generation?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, 11 and 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5,7 and 12 recite compositions wherein the first composition is a solid and a second composition consists of water. There is insufficient antecedent basis for this limitation in the claim because claim 1 contains the limitation "wherein the liquid of such a solid/liquid combination comprises water and at least one additional ingredient that contributes to heat generation " If the liquid composition consists of water, it may not contain an additional ingredient that contributes to heat generation.

Claim 11 is redundant in that it contains the same limitations that are present in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al., US 6,245,729.

A composition for forming and releasing an aqueous peracid solution is disclosed. A chemical heater provides for the generation of heat. See abstract. Said chemical heater, when contacted with water, hydrates and generates heat in an amount sufficient to raise the temperature of at least about 5 degrees centigrade. See col 9 lines 29-51. Preferred chemical heaters are listed in the paragraph bridging columns 9 and 10 and include the claimed inorganic salts and pyrophosphoric acid. Patentee also states that the chemical heater can also generate heat by the claimed acid-base neutralization. See col 10 lines 3-11. Regarding the limitations of claim 6, acid-base reactions as well as the reactions of said metal salts with water all result in the transfer of electrons, and thus involve oxidizing agents and reducing agents. Regarding the limitations of claim 7, zeolites are included in the list of preferred heat generating dessicants in column 9 lines 60-67. The composite structure can be a carpet sanitizer powder, and the sanitizer may be generated on the surface. Col 14 lines 1-7. here is no working example of a process of generating heat on the surface of a carpet or other textile. It would have been obvious to the skilled artisan that patentee teaches a carpet sanitizer composition in which the sanitizer may be generated on the carpet surface because column 14 as cited clearly teaches that utility for the heat generating sanitizer composition.

Claims 1-4, 7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calton, US 6,068,665 and Billman, US 5,534,167 in view of Menkart et al.

Calton teaches the removal of carpet stains by misting a carpet with water and then adding a composition comprising zeolite, and letting it stand until dry, and vacuuming it. See examples 1,2 and others. Calton uses calcined zeolites such as 4A, Y, Morednite and Silicalite. See col 2 lines 61-63.

Billman teaches an aqueous carpet cleaning composition which restores properties of manufacturer finishes to carpeting, said carpeting composition being aqueous. See abstract and column 3 lines 5-25. Note that the composition of Billman may include other ingredients which optimize the stain removal and other desirable characteristics of the composition.

Calton differs from the instant claims in that he does not state that he is using a heat generating composition. Menkart is applied for the teaching that zeolites react exothermically in the presence of water. See col 1 lines 32 et seq.

It would have been obvious to the skilled artisan that the process of applying water and zeolite to carpet to remove a stain used by Calton is an exothermal or heat generating process because Menkart et al. teach that same process of generating heat, and that the heat generation will be at least 1° C. as claimed in claim 10 since Menkart's examples show that there is a clear sensation of heat when the compositions are used as a cosmetic. It would have been obvious to the skilled artisan to apply both the zeolite cleaning powder of Calton as well as the aqueous cleaning solution to a carpet because both are taught to be used to clean carpet, yet each provides its special benefit to the carpet. While the composition of Calton is beneficial to remove stains resulting from pet fluids, the composition of Billman will restore the properties of the manufacturer

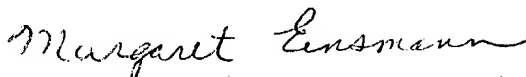
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finishes to the carpet and said composition is open to the inclusion of other ingredients, like the zeolite of Calton, which optimize the stain removal characteristics of the composition. Accordingly using the combination of the aqueous composition of Billman with the zeolite of Calton provides a process as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751

March 30, 2004